

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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PERRY O. MACKALL, )  
                          )  
                          )  
Plaintiff,           )      Case No. 1:05-cv-212  
                          )  
                          )  
v.                    )      Honorable Wendell A. Miles  
                          )  
                          )  
JOHN RUBITSCHUN,    )  
                          )  
                          )  
Defendant.           )      )  
                          )  
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**JUDGMENT**

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's action be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

For the same reasons that the Court dismisses the action, the Court discerns no good-faith basis for an appeal. 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

This is a dismissal as described by 28 U.S.C. § 1915(g).

Dated: April 20, 2005

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior U.S. District Judge